



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 3, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

Robert Raben

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SUBJECT:

Weekly Report for April 3 - April 7, 2000

THIS WEEK

Pine Ridge: On April 4, representatives from the Department of Justice and the Bureau of Indian Affairs will join staff from the White House to provide a briefing to Senators Daschle and Johnson about recent developments at Pine Ridge. (Ho)

Organ Procurement: The House is scheduled to consider H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999, on April 4. This bill would authorize a private organization to establish criteria for being a participant in the organ allocation network and medical criteria for allocating organs. In a letter sent to Congress last October, the Department stated that the bill raises significant constitutional concerns involving the separation of powers. (Pearlman)

Prison Drug Treatment Options: On April 4, the Criminal Justice, Drug Policy and Human Resources Subcommittee (Mica, Chair) of the House Government Reform Committee will hold a hearing on drug treatment options in the criminal justice system. Public witnesses will testify. (Scott-Finan)

Abortion: On March 30, Chairman Hyde announced that he was sending H.R. 3660, the Partial Birth Abortion bill, to the House floor without Committee consideration. A vote on the bill is scheduled for April 5. (First)

Chinese Espionage Hearing: On April 5, the Subcommittee on Administrative Oversight and the Courts (Grassley, Chair) of the Senate Judiciary Committee will hold a hearing on the Peter Lee case, as it relates to the espionage matter. Witnesses include Mark Richard, John Dion, Michael Liebman, and Jonathan Shapiro. (Jennings)

Police Issues: On April 5, Acting Assistant Attorney General Bill Lee and staff from the Office of Legislative Affairs will meet with Congressman Danny Davis and 50 of his constituents on police brutality issues. (Scott-Finan)

Bureau of Prisons Oversight: The Subcommittee on Criminal Justice Oversight (Thurmond, Chair) of the Senate Judiciary Committee plans to hold an oversight hearing of the Bureau of Prisons for April 6.

BOP Director Kathy Hawk Sawyer will testify, as will a representative of the Department's Office of Inspector General and a representative of the General Accounting Office. The Committee will consider issues related to the GAO report on prison health care issues and the Department IG Report on the Bureau's phone system. (Scott-Finan)

Internet Gambling: The House Judiciary Committee did not take up the Internet Gambling Prohibition Act, H.R. 3125, on March 30. It is expected that this bill may be taken up on April 4. (Daley)

Tunica County School District Case: On April 6, representatives from the Civil Rights Division are scheduled to meet with Congressman Bennie Thompson (D-MS) about the consent order in United States v. Tunica County School District (N.D. Miss.), pertaining to desegregation in the school district. (Ho)

Nominations: We anticipate that the nominations of Richard Tallman, to be a United States Circuit Judge for the Ninth Circuit; John Antoon, to be a United States District Judge for the Middle District of Florida; and Marianne Battani and David Lawson, both to be United States District Judges for the Eastern District of Michigan, will be favorably reported by the Senate Judiciary Committee at its business meeting scheduled for April 6.

On March 27, the following nominations were sent to the Senate: Beverly Martin, to be a United States District Judge for the Northern District of Georgia, and Roger Hunt, to be a United States District Judge for the District of Nevada. (Scott-Finan)

Immigration: We have heard that INS restructuring and Representative Chris Smith's trafficking in persons legislation may be added to the House Judiciary Committee's schedule this week.

The House Judiciary Committee will resume consideration of H.R. 3767, which permanently authorizes the Visa Waiver Pilot Program that allows nationals of certain countries to travel to the United States without obtaining a visa. The Department supports the extension of the program, but has concerns with the bill's language.

On March 30, the House Judiciary Committee approved, by voice vote, H.R. 371, a bill that waives the English language naturalization requirement for Hmong who served in special U.S. guerilla units during the Vietnam War. (First)

Pain Relief Promotion Act: The Senate Judiciary Committee (Hatch, Chair) has rescheduled markup of H.R. 2260, the Pain Relief Promotion Act, for April 6. The Act clarifies that controlled substances may be used to relieve pain in the course of providing palliative care to terminally ill persons. The bill also, however, provides inappropriate federal criminal sanctions for physician-assisted suicide. We have commented on the bill questioning the need for the proposed harsh criminal penalties. (Tanner)

Bankruptcy: Conferees have yet to be named. Staff level discussions continue and we have provided comments to aid those discussions. We have met with Majority and Minority staff on the Senate side and will be setting up similar meetings this week with staffs on the House side. (Wilson)

THE WEEK IN REVIEW

False Claims Act: On March 31, the GAO issued a report concluding that the Department has made progress in implementing false claims act guidance to its attorneys. This report follows a report from last year which highlighted Department problems in this area. (Pearlman)

H.R. 3908, FY2000 Emergency Supplemental: On March 30, the House completed action on the mid-year spending package. The bill passed by a vote of 263 to 146. (Daley)

Report on Needs of the Native Hawaiian Community: On March 29, representatives of the Department of Justice ~~and the Department of Justice~~ and the Department of the Interior met with the Congressional Hawaiian delegation to discuss a draft report that both agencies will soon be jointly issuing. The report focuses on the needs of the Native Hawaiian Community. (Ho)

Asbestos: A Deputy Associate Attorney General and Counsel from the Office of Policy Development participated in a panel of presenters, including representatives from HHS, the Unions and a private attorney, to outline our opposition to the Asbestos Compensation bill. The briefing was held for Members and staff of the House of Representatives. (Wilson)

Agency Non-Compliance: Staff from the Civil Division, the Office of Legislative Affairs and the Social Security Administration met with staff from Representative Nadler's office and the full Judiciary Committee to discuss our opposition to H.R. 1924, the Federal Agency Compliance Act. This bill would prevent Federal agencies from pursuing policies of unjustifiable non-acquiescence in, and relitigation of, precedents established in the Federal judicial courts. We oppose this bill because we think it is not only unnecessary, but could have unintended consequences and could possibly lead to even more litigation. (Wilson)

Health Care Provider Antitrust Immunity: On March 30, the House Judiciary Committee (Hyde, Chair) approved H.R. 1304, legislation to give antitrust immunity to health care providers for collective negotiations with health plans. An amendment adopted last week excludes from the immunity any agreement to exclude or impair the provision of service by other health care providers. An amendment was adopted on March 30 to make the bill not apply to federal programs. (Slover)

Racial Profiling: On March 30, the Constitution, Federalism and Property Rights Subcommittee (Ashcroft, Chair) of the Senate Judiciary Committee held a hearing on the practice of racial profiling by police departments with three panels of witnesses. The Department did not testify.

Hearing on Children and the Internet: On March 28, the Subcommittee on Children and Families (Gregg, Chair) of the Senate Health, Education, Labor and Pensions Committee held a hearing on keeping children and families safe from Internet predators. FBI's Kenneth Neu of the Violent Crimes Major Offenders Section and William Hagmaier of the Child Abduction Serial Murder Investigative Resources Center testified before the Subcommittee. (Owen)

Hearing on Cybercrime: On March 28, the Subcommittee on Technology, Terrorism and Government Information (Kyl, Chairman) of the Senate Judiciary Committee held a hearing on ways to improve cyber attack investigations. FBI Director Louis J. Freeh testified before the Subcommittee. (Daley)